

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

DECEMBER 9, 2003

PRESENT:

David Humke, Chairman
Jim Shaw, Vice Chairman
Jim Galloway, Commissioner
Pete Sferrazza, Commissioner *
Bonnie Weber, Commissioner

Amy Harvey, County Clerk
Nancy Parent, Chief Deputy Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

03-1283 WORK CARD PERMIT APPEAL - JUSTIN T. ZANE

The appeal by Justin T. Zane of the Sheriff's denial of his work card permit application was considered on Monday, December 8, 2003 prior to the Caucus meeting in the Commission Caucus Room, 1001 East Ninth Street, Second Floor, Reno, Nevada, with Commissioners Humke, Shaw, and Weber present.

On motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried with Commissioners Galloway and Sferrazza temporarily absent, the Board convened in closed session to hear testimony as to why the work card should or should not be granted.

The appellant Justin T. Zane, as well as his father and employer, Mark Zane, were present to offer testimony during the closed session. Also present was Maureen Thomas, Chief Records Clerk, Washoe County Sheriff's Office.

1:40 p.m. Commissioner Galloway arrived during the closed session.

1:56 p.m. Commissioner Sferrazza arrived during the closed session.

On motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, the Board reconvened in open session and the following action was taken:

On motion by Commissioner Shaw, seconded by Commissioner Weber, which motion carried unanimously, the Board ordered that the appeal be granted and that the work permit be issued to Justin T. Zane.

03-1284 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Humke ordered that the agenda for the December 9, 2003 meeting be approved.

PUBLIC COMMENTS

Eddie Anderson, area citizen, remembered individuals who have recently passed away and their contributions to the community.

Sam Dehne, local resident, expressed criticism of the Sparks City Council and the Sparks Charter Committee.

* **2:11 p.m.** Commissioner Sferrazza arrived at the meeting.

Al Hesson, local citizen, criticized President George W. Bush and his policies.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Shaw discussed the City of Sparks' Hometown Christmas parade.

Commissioner Galloway commended staff and the Nevada Association of Counties for the town hall meeting concerning the new voting machines.

Commissioner Sferrazza stated the Board should be more involved in the selection of architects for new construction projects and requested a future agenda item to discuss the same, as well as what occurred on the Mills Lane Justice Center.

Chairman Humke stated he agreed with Commissioner Galloway's comments concerning the HAVA (Help America Vote Act) town hall meeting.

Katy Singlaub, County Manager, reminded the Board members to submit their appointees for the Charting Our Course Initiative Advisory Committee. Commissioner Sferrazza stated his appointee is Jim Rogers, who should be submitting an application. Commissioner Galloway stated he appointed Gene Brockman, who is a Trustee of the Incline Village General Improvement District. Commissioner Shaw advised he appointed John Moore.

2:58 p.m. Commissioner Shaw temporarily left the meeting.

03-1285 **MINUTES**

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw temporarily absent, Chairman Humke ordered that the minutes of the regular meetings of October 28 and November 12, 2003 be approved.

03-1286 **SETTLEMENT OF LAWSUIT - ESTATE OF IAN DUNWOODIE**

Upon recommendation of Jim Jeppson, Risk Manager, through John Sherman, Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw temporarily absent, Chairman Humke ordered that the proposed settlement of the lawsuit filed by the family and estate of Ian Dunwoodie be approved.

03-1287 **SETTLEMENT OF LAWSUIT - ESTATE OF STEVEN GIBSON**

Upon recommendation of Jim Jeppson, Risk Manager, through John Sherman, Finance Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw temporarily absent, Chairman Humke ordered that the proposed settlement of the lawsuit filed by the family and estate of Steven Gibson be approved.

03-1288 **GRANT OF PUBLIC UTILITY EASEMENT - SIERRA PACIFIC
POWER COMPANY - MOUNT ROSE DEVELOPMENT
COMPANY - PUBLIC WORKS**

Upon recommendation of Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw temporarily absent, it was ordered that the Grant of Public Utility Easement to Sierra Pacific Power Company to provide underground electric facilities at the base of the Slide Mountain Ski area for the Mount Rose Development Company be approved and Chairman Humke be authorized to execute the same.

03-1289 **RESOLUTION - GRANT PROGRAM CONTRACT AMENDMENT
- LOW INCOME HOUSING TRUST FUNDS - RESTART, INC.**

Upon recommendation of Gabrielle Enfield, Grants Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw temporarily absent, it was ordered that the Amendment to Grant Program Contract, Low Income Housing Trust Funds (LIHTF), between the County of Washoe and Restart, Inc., concerning additional LIHTF funds

received from the State, be approved and Chairman Humke be authorized to execute the same. It was noted the total of these grant funds is now \$119,105.

It was further ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the same:

RESOLUTION - AUTHORIZING THE GRANT OF PUBLIC MONEY TO A PRIVATE NONPROFIT ORGANIZATION

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a private organization, not for profit, to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that a certain amount of money is available for fiscal year 2003-2004 for community support grants, which grants will provide a substantial benefit to the inhabitants of Washoe County and which are made to private nonprofit organizations, now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Restart Inc., a private nonprofit organization, an increase to the current grant for fiscal year 2003-2004 in the amount of \$26,295 (Community Support). The total grant of funds for this purpose for fiscal year 2003-2004 is \$119,105.
2. The purpose of the grant, the maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Amendment to Grant Program Contract, which Contract was placed on file with the Clerk and incorporated herein by reference.

03-1290 AGREEMENT - CITY OF RENO - ST. MARY'S HEALTH & WELLNESS - HEPATITIS BASELINE TESTING AND VACCINATION SERVICES - SHERIFF

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw temporarily absent, it was ordered that the Washoe County Sheriff's Office be authorized to join on an agreement between the City of Reno and St. Mary's Health & Wellness to provide hepatitis baseline testing and vaccination services for Washoe County Sheriff's Office commissioned personnel. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute the agreement on an as-requested basis, with provision to cancel the agreement in the event the County determines that the testing and vaccination services can be obtained in a more cost effective manner or in the event that

hepatitis testing and vaccination services shall no longer be required. It was noted the estimated fiscal year 2004 costs for hepatitis testing and vaccination service is \$40,000 and approximately \$80,000 for fiscal year 2005 to achieve testing of all 403 Washoe County Sheriff commissioned personnel.

03-1291 AGREEMENT TO AMEND THE WHOLESALE WATER SERVICE AGREEMENT - TRUCKEE MEADOWS WATER AUTHORITY - WATER RESOURCES

Sam Dehne, local resident, questioned transferring this water and the use of the water.

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw temporarily absent, it was ordered that the Agreement to Amend the Wholesale Water Service Agreement for Portions of the Southeast Truckee Meadows between the County of Washoe and Truckee Meadows Water Authority, concerning allowing a temporary (5-year) increase in the wholesale water service capacity to the southeast Truckee Meadows of up to an additional 2,000 gallons per minute, be approved and Chairman Humke be authorized to execute the same. It was noted there would be no direct fiscal impact to Washoe County as costs associated with water service commitments through the wholesale agreement are borne by developers. There will be increased revenues and associated costs with addition of new customers to the Washoe County water system.

03-1292 CORRECTION OF FACTUAL ERRORS - ASSESSOR

Upon recommendation of Tom Sokol, Assistant Chief Deputy Assessor, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw temporarily absent, it was ordered that the following Roll Change Requests correcting factual errors and the Order directing the Treasurer to correct the error be approved and Chairman Humke be authorized to execute the same.

Taxpayer/Property Owner	I. D. #	Amount	Roll
Conn. Surety Ins. Agency of Nv., Inc.	2/102-993	[-\$2,830.34]	2003 Unsecured
Sugarpine Sierra West LLC	2/103-204	[-\$35.84]	2003 Unsecured
Payroll Systems of Nevada	2/178-007	[-\$1,131.13]	2003 Unsecured
Kakadu Traders Australia	2/243-047	[-\$881]	2003 Unsecured
Silver Legacy Resort Casino	2/280-000	[-\$7,757.03]	2003 Unsecured
Wireless Express	2/470-098	[-\$1,073.26]	2003 Unsecured
Quadravision Transmitter Site	2/475-004	[-\$4,655.10]	2003 Unsecured
Quadravision	2/479-015	[-\$10,685.06]	2003 Unsecured
Silverstri Enterprises	2/500-630	[-\$138.76]	2003 Unsecured
Sampco of Nevada, Inc.	2/524-009	[-\$5,201.16]	2003 Unsecured

Ebara International	2/571-001	[-\$5,576.53]	2003 Unsecured
Foster Bishop	2/960-034	[-\$94.78]	2003 Unsecured
James A. Cullum	31/05-068	[-\$32.81]	2003 Unsecured
Joyce M. White	31/05-395	[-\$21.66]	2003 Unsecured
Affordable Realty	31/13-028	[-\$22.82]	2003 Unsecured
West Sierra, Inc.	32/00-313	[-\$522.33]	2003 Unsecured
Howard or Judy McDaniel	32/21-756	[-\$175.07]	2003 Unsecured
Michael M. or Linda L. Kalin	51/00-298	[-\$81.05]	2003 Unsecured
Albert Redick II	51/00-574	[-\$111.99]	2003 Unsecured
Oro Loco Enterprises	51/00-614	[-\$146.74]	2003 Unsecured
Stan Campbell	51/00-845	[-\$305.43]	2003 Unsecured
James N. Whiteley	51/00-858	[-\$317.65]	2003 Unsecured
R.L. Beidleman	53/00-063	[-\$224.55]	2003 Unsecured
Express Plumbing	2/460-069	[-\$942.25]	2002 Unsecured
Viking Metallurgical Corporation	2/553-009	[-\$22,017.58]	2001 Unsecured
Viking Metallurgical Corporation	2/553-009	[-\$26,050.99]	2000 Unsecured

03-1293 APPEARANCE - BOB MARSHALL - INTERMOUNTAIN WATER SUPPLY LTD. - WATER IMPORTATION PROJECT

Bob and Tom Marshall, Intermountain Water Supply, Ltd., distributed documents and conducted a PowerPoint presentation regarding a proposed project to import water from the Warm Springs area to the North Valleys. Maps were displayed on the overhead screen depicting an underground pipeline starting in Dry Valley and transporting water through Bedell Flats into Stead/Lemmon Valley. He stated the pipeline would be 24 miles long, all of the water would be groundwater and they are currently going through the Environmental Impact Statement (EIS) process. Tom Marshall advised they are proposing a phased project to import 3,500 acre-feet of water per year at buildout. He also provided detailed information concerning their water rights and permits as well as historical information and technical data gleaned from studies and testing done over the years. The Marshalls then responded to questions from Board members. In response to Chairman Humke, Bob Marshall stated they have proved up some of their water rights and either are, or soon will be, performing the testing and pumping on others to determine water quantity and quality. He also said they would greatly appreciate support and cooperation from County staff, especially when considering their water rights applications before the State Engineer.

A discussion ensued concerning the water rights in that area owned by the County. Commissioner Sferrazza asked if the proposed project would have any adverse impacts on the County-owned water rights. Don Mahin, Water Resources, advised that might be determined through the EIS process.

Commissioner Weber stated water is really needed for the North Valleys and asked if staff has been working cooperatively with Mr. Marshall.

Steve Bradhurst, Water Resources Director, advised that the County policy has been to protest any water rights applications whenever the proposal is to use more water than the perennial yield as determined by the United States Geological Survey (USGS). He further said he and Mr. Marshall have had meetings with the State Engineer. Mr. Bradhurst and Commissioner Sferrazza discussed possible uses for the Winnemucca Ranch water rights owned by the County.

Commissioner Weber asked if there was any appetite by the other Board members to work on one of these water importation projects to get a water supply into the North Valleys. Commissioner Galloway stated that he and Commissioner Shaw were on the Board when the Board decided they were not going to spend any more taxpayer funds on the Truckee Meadows Project. He said this is a private sector project, and there should be a discussion concerning whether the County has put up obstacles and whether those should be removed. Commissioner Sferrazza stated he would like to hear from the North Valleys Citizen Advisory Board because their objection to the previous importation project was due to intensification of development.

Lydia Andrew-Jones, Red Rock homeowner, submitted a written statement and a list of questions, which was placed on file with the Clerk. She stated her well is in the Bedell Flats area and she is very concerned about impacts on her well. She said studies need to be done and this needs to be thoroughly examined.

Sam Dehne, Reno resident, asked how they can be sure the project would not take water away from the people who are already using it.

Gary Schmidt, local citizen, warned of environmental consequences when natural resources are moved.

Commissioner Sferrazza stated he believes this project will primarily benefit developers, not existing homeowners; and the County should use its own water.

4:00 p.m. Commissioner Shaw returned to the meeting.

Commissioner Weber respectfully disagreed with Commissioner Sferrazza stating there is a big problem in the North Valleys, especially in the Heppner Subdivision where people have no water. She stated if private enterprise is willing to do a project, the County should be cooperative. Commissioner Galloway said the issues that need to be examined are cooperation versus participation, unintended consequences and development intensification. Commissioner Shaw and Chairman Humke stated they would be in favor of looking at all the projects.

4:20 p.m. The Board recessed.

4:45 p.m. The Board reconvened with all members present.

**REQUEST TO REMOVE FORTYNINE MOUNTAIN ROAD FROM
THE PUBLIC ROADS MAP - VYA**

Commissioner Galloway distributed a map from the *Nevada Atlas* of the road in question to his fellow Board members and noted the correspondence from Carl Adams, Chairman of the Washoe County Backcountry Coalition in opposition to removing the road from the public roads map. Paul Lipparelli, Legal Counsel, reviewed the staff report regarding how the subject road was designated a public road and the request of the private property owner that the portion of the road located on the private property be removed from the Washoe County public roads map adopted in 1999. He stated the subject road does not go to any public land; it only goes to the top of a mountain leased by a Los Angeles utility company for a tower site.

Commissioner Galloway noted the map he distributed and the aerial photograph in the agenda backup material are different. He also stated he was not sure the outdoor enthusiasts who would use the road were notified of this meeting. Mr. Lipparelli stated the Nevada Public Access Coalition was notified, and they indicated this road was not of concern to them. Commissioner Sferrazza stated the maps from the 1800's should be reviewed before any decision is made.

DeArmond Sharp, representing the Duck Lake Ranch, emphasized the subject road is entirely on private land and it does not go to any public land. Todd Jaksick, property owner, stated the road terminates at the tower site; and the reason it was designated as a public road was because the Bureau of Land Management (BLM) thought it went to their property. Mr. Jaksick stated it does not go to the BLM property, which they have proven by survey. He said their property is a 22,000-acre ranch that his father purchased in 1972, no one has been using this road because the gate has been locked for over 40 years, and no one has requested permission to use the road on a regular basis.

Gary Schmidt, Reno resident, spoke in opposition to removing the subject road from the public maps.

Chairman Humke read the email from Carl Adams into the record. Commissioner Shaw asked Mr. Jaksick to comment on Mr. Adams' statement that the road is used by locals and tourists. Mr. Jaksick stated that is not right and suggested Mr. Adams might be confused about which road this is. He re-emphasized that this is a private road on private property.

Commissioner Galloway moved to deny the request. Commissioner Sferrazza seconded the motion for discussion. Commissioners Weber, Shaw and Humke stated they could not support denial. Commissioner Sferrazza discussed a photo of Fortynine Mountain he recalled seeing in the *Reno Gazette-Journal* and stated he wanted to see it again and to know how it was taken. Commissioner Galloway stated he would amend his motion.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Humke ordered that the request to amend the Vya Washoe County public roads map adopted on April 27, 1999 to remove the road shown on APN 61-010-55 located in Section 7, Township 42 N. Range 19 E., be continued to the February 10, 2004 meeting and staff be directed to resolve the conflicting information concerning the subject road and bring more information back to the Board. Staff was also directed to request the BLM provide information and attend the next meeting.

**03-1295 WATER RIGHTS APPLICATION – NEVADA STATE ENGINEER
– WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that Water Rights Application 70009 be reviewed. It was further ordered that the Chairman be authorized to formally recommend approval of the subject application to the Nevada State Engineer.

**03-1296 CONTRACT – CONSULTING ENGINEERING SERVICES –
STANTEC CONSULTING, INC. – WATER RESOURCES**

Commissioner Weber disclosed that her husband is an employee of Stantec Consulting, Inc. She stated that he does not benefit from this contract and he is not working on this project.

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that an engineering contract between Washoe County and Stantec Consulting Inc., in the amount of \$730,100, concerning the preparation of a facility plan for wastewater treatment and disposal facilities in Spanish Springs Valley, and a preliminary design report for the facilities, be approved and Chairman Humke be authorized to execute the same. It was noted that \$730,100 is available in the sewer utility connection fee account.

**03-1297 COOPERATIVE AGREEMENT – U.S. ENVIRONMENTAL
PROTECTION AGENCY – SPANISH SPRINGS VALLY NITRATE
REMEDIAION PILOT PROJECT – WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Cooperative Agreement between Washoe County and the U.S. Environmental Protection Agency (EPA), in the amount of \$1,395,600 over a period of five years, with a cost share of 55 percent Federal (\$767,600) and 45 percent County (\$628,000), concerning implementation of the Spanish Springs Valley Nitrate

Remediation Pilot Project, be approved and the Director of the Department of Water Resources be authorized to execute the same. It was noted EPA has awarded \$348,900 of the Federal share for fiscal year 2003-2004.

**03-1298 AWARD OF BID – ANDERSON PARK KIETZKE ENTRANCE -
BID NO. PWP-WA-2004-51 - PUBLIC WORKS DEPARTMENT**

This was the time to consider award of bid for Anderson Park Kietzke Entrance for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on October 29 and November 5, 2003. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

A & K Earth Movers
Garden Shop Nursery
Gradex Construction
Petersen Construction
Cruz Construction
Rapid Construction
Northern Sierra Construction
Hard Line Excavating
Sierra Nevada Construction
F.W. Carson Construction

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that Bid No. PWP-WA-2004-51 for Anderson Park Kietzke Entrance for the Public Works Department be awarded to the low, responsive, responsible bidder, Hard Line Excavating, in the amount of \$107,000. It was further ordered that the Chairman be authorized to execute the contract for the same upon presentation.

**03-1299 APPOINTMENT – ANIMAL CONTROL BOARD EXOTIC
ANIMAL REPRESENTATIVE – PUBLIC WORKS**

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that Brenda Whitfield be appointed to the Washoe County Animal Control Board as the exotic animal representative.

03-1300 **CIVIL MARRIAGE COMMISSIONER'S OFFICE HOURS –
DECEMBER 31, 2003 – COUNTY CLERK**

Commissioner Shaw moved, and Commissioner Sferrazza seconded the motion that the Marriage Commissioner's Office be open on Wednesday, December 31, 2003 (New Year's Eve Day). On call for the vote the motion failed with Chairman Humke and Commissioners Galloway and Weber voting "no". The opposition was due to the past history of low numbers of marriages performed on that day and to save public expense. It was noted the office would therefore remain closed on December 31, 2003.

03-1301 **DISCUSSION – 2002 REGIONAL PLAN SETTLEMENTS**

Adrian Freund, Community Development Director, stated that the Regional Planning Commission upheld their original decision that Reno's annexation program is in conformance with the Regional Plan. Staff is pursuing an appeal of that to the Regional Planning Governing Board. He said that, at the Status Hearing in November 2003, one of Judge Hardesty's directives was that Washoe County, the City of Reno, and the City of Sparks have similar application requirements and processing times for Cooperative Planning applications and underscoring particularly that all of those addressed the Cooperative Planning development standards and criteria and also the interim water policies. Mr. Freund confirmed staff met with the Cities of Reno and Sparks and all agreed on the items that should be included in the applications. He acknowledged that staff would have to report to Judge Hardesty by December 23, 2003.

Madelyn Shipman, Assistant District Attorney, explained that the County is required to file a brief by December 11, 2003 in response to the petition for clarification that was filed by the Regional Planning Agency. She stated she has completed a brief indicating the County position on each of the issues. At issue is the alternative dispute resolution process, the cooperative planning process, inconsistencies between the Regional Management Plan and the Comprehensive Regional Plan. She further advised she is asking the Court to clarify the County's understanding of the settlement agreement which is expanded sphere areas would be master planned through the Cooperative Planning process and not on an application-by-application basis.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Legal Counsel be directed to file the brief.

03-1302 **REPORTS/UPDATES FROM COUNTY COMMISSION
MEMBERS**

Commissioner Sferrazza requested coverage for the December 15, 2003 Joint Fire Board meeting as he would not be able to attend. Commissioner Galloway agreed to attend for Commissioner Sferrazza.

5:50 p.m. Commissioner Sferrazza left the meeting.

03-1303 ORDINANCE NO. 1223 - BILL NO. 1404 - STORM WATER DISCHARGE PROGRAM

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on November 28, 2003, to consider second reading and adoption of Bill No. 1404. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the public hearing was closed.

County Manager Katy Singlaub clarified that this is to comply with Nevada Department of Environmental Protection regulations.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Humke ordered that Ordinance No. 1223, Bill No. 1404, entitled, "**AN ORDINANCE ESTABLISHING A STORM WATER DISCHARGE PROGRAM BY WASHOE COUNTY WITHIN CERTAIN AREAS OF WASHOE COUNTY; AUTHORIZING THE DEPARTMENT OF WATER RESOURCES AND/OR PUBLIC WORKS TO ISSUE PERMITS TO BUSINESSES AND CONSTRUCTION DISCHARGERS; PROVIDING PROCEDURES FOR ENFORCEMENT; AND OTHER MATTERS RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

03-1304 MORATORIUM – WIRELESS FACILITIES – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on November 28, 2003 to consider a request to ratify and continue a moratorium throughout the unincorporated portion of Washoe County on the acceptance of applications for wireless facilities that require a special use permit for a period of 180 days from the date of approval by the Board of County Commissioners. Proof was made that due and legal notice had been given.

Chairman Humke opened the public hearing by calling on anyone wishing to speak for or against this matter. There being no response, the public hearing was closed.

Chairman Humke stated that former Commissioner Bob Rusk, Chair of the West Washoe Valley Citizen Advisory Board (CAB), communicated that the CAB supports the moratorium.

Having made the following findings, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with

Commissioner Sferrazza absent, Chairman Humke ordered that the moratorium be ratified and continued as recommended by staff for a period of 180 days.

FINDINGS:

1. The moratorium is necessary to promote the health, safety and welfare of the area described in the moratorium declaration;

2. The moratorium is necessary to permit the staff, Planning Commission, Board of County Commissioners and public to focus on the efficient and effective preparation of an amendment to the Development Code;

3. The moratorium is necessary because continued development during the proposed moratorium period possibly would result in development that may conflict with the code amendment; and

03-1305 APPEAL CASE NO. AX03-014 – SPECIAL USE PERMIT CASE NO. SB03-014 – WAYNE WALTRIP – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners on November 26, 2003 to consider the appeal of Maralee Quanbeck of the approval by the Washoe County Board of Adjustment of Special Use Permit Case No. SB03-014 that authorized the development of a detached accessory dwelling as authorized in Section 110.306.25 of the Washoe County Development Code. The project is located at 9220 Ogden Trail Drive, approximately ¼ mile north of the intersection of Spanish Trail Drive and Ogden Trail Drive. The +/- 1.002-acre parcel is designated Low Density Suburban (LDS) in the Spanish Springs Area Plan, and is situated in a portion of Section 36, T21N, R20E, MDM, Washoe County, Nevada. The property is located in the Spanish Springs Citizen Advisory Board boundary and Washoe County Commission District No. 4. (APN: 534-161-03) Proof was made that due and legal notice had been given.

Chairman Humke opened the public hearing by calling on anyone wishing to speak.

Roger Pelham, Planner, described the project, provided background information and displayed a map of the subject on the overhead screen. He acknowledged that during the Board of Adjustment's public hearing, concern was expressed by nearby property owners regarding two septic systems being placed on a one-acre parcel. He questioned the District Health Department on this item, and they assured him that because these one-acre parcels were created when three septic systems per acre were allowed, this is the rule that still applies in this case. Under new development the maximum would be one septic system per five acres. He said, according to the Health Department, two septic systems per one-acre parcel would not break any rules or regulations the department holds.

In response to Commissioner Shaw, Mr. Pelham confirmed that when the sewer system is in that area, Mr. Waltrip would be required to hook up to the sewer and pay two connection fees.

Commissioner Galloway inquired why two septic systems would be required, and Mr. Pehlman responded that two are required by the Health Department because there is a second kitchen in the detached accessory dwelling.

Frank Parra, Hilda Parra, Maralee Quanbeck, and Keith Anderson, area neighbors, expressed their opposition to the special use permit stating the following concerns: impediment of open space and privacy, increase problem of nitrates in the water, number of septic systems in one small area, and zoning violations.

Wayne Waltrip, property owner, stated his desire to build the accessory dwelling for his daughter and grandson. He confirmed the dwelling would be 800 square feet, and he did not see how this addition would affect the neighbors as they have expressed that it would.

There being no one else wishing to speak, Chairman Humke closed the public hearing.

Commissioner Shaw disclosed that he spoke to Maralee Quanbeck and the Health Department concerning this matter. Commissioner Weber disclosed that she had also spoken with Maralee Quanbeck on this subject.

On motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Humke ordered that Appeal Case No. AX03-014 be upheld and the special use permit be denied. The Board's decision was based on the following finding:

1. Issuance Detrimental. That issuance of the permit would be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

03-1306 **APPEAL CASE NO. AX03-011 – ADMINISTRATIVE ACTION**
AX03-013 – A STORAGE ON WHEELS, INC. – COMMUNITY
DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing to consider reversing the Board of Adjustment's (BOA) determination that the proposed use involving the outdoor storage, sale and rental of sea cargo containers and semi-trailers falls under the Industrial use type of Wholesaling, Storage, and Distribution – Heavy, rather than under a Commercial use type of Transportation Services or Personal Storage as contended by the

appellant. The use types are defined in Washoe County Code, Chapter 110, Article 304, Use Classification System.

Chairman Humke opened the public hearing by calling on anyone wishing to speak.

Paul Kelly, Planner, provided background information on the BOA's decision and the appeal brought forth by the applicant. Mr. Kelly stated staff's recommendation is to deny the appeal.

Julian Smith, attorney for appellant and landlord of A Storage on Wheels, Inc., stated he was contacted by A Storage on Wheels, Inc. to establish a lease to operate a commercial business to make sea cargo containers and trailers for storage available to the public. Mr. Smith confirmed that the land use zone is General Commercial. He examined the uses allowed in General Commercial and found no use in any of the County's license code that identified this type of use. He believes this business would fall within Transportation Services and/or Personal Storage. He said the significant difference is that the business is not handling merchandise on the location. The containers are parked there, and they are available for sale or lease. He explained that when the tenant applied for a business license, they were told they could not get a license because their use did not conform to the zoning. He stated he is requesting the Board permit the use of General Commercial and allow the business license to be issued.

Commissioner Galloway inquired if Mr. Smith had spoken to staff about photographs and other data relating to this topic, and Mr. Smith confirmed that he had not. He said he would speak to staff and also show them the containers and buildings in another location that he alleged have been zoned General Commercial.

In response to Commissioner Shaw, Mr. Smith verified that the area is not required to be fenced and it is not fenced along the highway.

Mr. Kelly stated he is not aware of any other containers and buildings as Mr. Smith discussed.

Gary Schmidt, area resident, supported the applicant. He stated there is a problem with the Development Code, in that it is vague and ambiguous in places. He believes in the case of A Storage on Wheels, Inc., the use type should be Construction Sales and Services, and he read from the Development Code regarding this use type.

Eric Close, Reno citizen, stated the Development Code is lacking in addressing sea containers as an asset many people are turning to for storage opportunities. He said he is concerned that the portability of the structures is not being addressed.

There being no one else wishing to speak, Chairman Humke closed the public hearing.

In response to Commissioner Galloway, Mr. Smith confirmed that they are not storing anything in the containers on their property.

Commissioner Shaw inquired about the amount of property being used to store the containers and the types of containers. Mr. Smith verified 2.39 acres would be used, and some of the containers sit on the ground and some of the trailers have wheels.

Chairman Humke stated he agrees with staff in the documentation that the right conclusion under the Development Code was reached. He referred to a question asked by a citizen at a BOA meeting about how the containers were moved, and the tenant answered the containers were moved by heavy equipment. Chairman Humke stated this supports the BOA's decision to set the use as Industrial.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Humke ordered that Appeal Case No. AX03-011 be denied based on the following findings:

FINDINGS:

1. The outdoor storage of sea cargo containers and semi-trailers is not a specified use type in Article 304, but reasonably belongs to the Industrial use type of Wholesaling, Storage, and Distribution – Heavy as defined in Section 110.304.30(k) of the Development Code.

2. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the public hearing.

3. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Commission from the Washoe County Board of Adjustment, and information received during the Washoe County Commission public hearings.

**03-1307 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP03-005 –
LARRY GREEN – SOUTH VALLEYS AREA PLAN –
COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on November 28, 2003 and mailed to affected property owners by the Department of Community Development on November 26, 2003 to consider a request to amend the South Valleys Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would redesignate approximately 5.82-acre portion of a 7.689-acre parcel from General Rural (GR) to High Density Rural (HDR). The parcel considered for the land use change totals 7.689+/- acres and borders U.S. 395 at the end of Brothers Lane between State Route 429 and U.S. 395 South. The parcel is located

within the South Valleys Area Plan, in a portion of Section 23, T16N, R19E, MDM. The parcel considered for the land use change is located within the Rural Development Area outside of the Truckee Meadows Service Area on the Truckee Meadows Regional Plan land use diagram (APN: 055-281-24).

The Washoe County Board of Commissioners may take action on alternatives to the applicant's request. To reflect the changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed. These administrative changes may include a revised map series with updated parcel base.

Chairman Humke opened the public hearing and called on anyone wishing to speak.

Trevor Lloyd, Planner, provided background information and displayed maps of the subject area on the overhead screen. He referenced the agenda memorandum dated November 25, 2003.

In response to Commissioner Galloway, Mr. Lloyd explained that, if a subsequent application for a parcel map was presented to divide this area into parcels, only two residential parcels would result.

Commissioner Shaw inquired if the West Washoe Valley Citizen Advisory Board (CAB) approved of this change. Mr. Lloyd acknowledged that the CAB reviewed the request, raised issues and concerns, did not approve or deny the change, but recommended that all of the concerns be forwarded to the Washoe County Planning Commission.

There being no one else wishing to speak, Chairman Humke closed the public hearing.

Having made the following findings, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried with Commissioner Sferrazza absent, it was ordered that Comprehensive Plan Amendment Case No. CP03-005 be approved and Chairman Humke be authorized to execute the Resolution Adopting the Amended South Valleys Area Plan after a finding of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.

FINDINGS:

1. The proposed amendment to the South Valleys Area Plan is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.

2. The proposed amendment to the South Valleys Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare.

3. The proposed amendment to the South Valleys Area Plan responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land.

4. The proposed amendment to the South Valleys Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the Washoe County Comprehensive Plan.

5. The proposed amendment to the South Valleys Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

6. The proposed amendment to the South Valleys Area Plan is the second amendment to the Plan in 2003, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

7. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the South Valleys Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 266.210(1).

8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearings.

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There being no further business to come before the Board, the meeting adjourned at 7:00 p.m.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Board of
County Commissioners

*Minutes Prepared by
Sharon Gotchy and Lori A. Rowe
Deputy County Clerks*